

SCANNED

DATE:

BY:

K. Boyce

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

2004 JUL 12 P 1:31

U.S. DISTRICT COURT
DISTRICT OF MASS.

ERIC FARETRA,
Plaintiff

v.

JOHN KEITH and
CHAMPS SPORT SHOPS
OF MASSACHUSETTS,
INC.,
Defendant

CASE NO: 04 11133MLW

Motion for an Order of Notice as to the Defendant, John Keith

Now comes the plaintiff, Eric Faretra and respectfully requests that this Honorable Court issue an Order of Notice pursuant to the provisions of Mass.R.Civ.P. 4(d)(2) and G.L. c. 227, §7.

In support of the plaintiff's request, the plaintiff states as follows:

1. The defendant, John Keith is a fugitive from justice and a warrant was issued for his arrest on March 6, 2003 after his failure to appear in the matter of Commonwealth v. John Keith, Middlesex Superior Court, Docket No.: MICR2001-00316.
2. The Plaintiff's last known residence was 216 Belmont Street, Malden, County of Middlesex. His last known location was Middlesex County Jail
3. Both the Middlesex County Deputy Sheriff's office and a Court appointed constable have been unable to locate John Keith at either of the aforementioned locations as evidenced by the attached diligent searches.
(Exhibit 1)

**COLUCCI,
COLUCCI &
MARCUS, P.C.**

552 Adams Street
Milton, Massachusetts 02186
Telephone: (617) 698-6000
Facsimile: (617) 698-1262

3. Accordingly, the plaintiff has been unable to serve the defendant, John Keith, and, therefore, requires an Order of Notice to effectuate service upon this defendant.

WHEREFORE, the plaintiffs respectfully request that this Honorable Court issue said Order of Notice.

Respectfully Submitted,
For The Plaintiff,
By His Attorneys,

COLUCCI, COLUCCI & MARCUS, P.C.



Darin M. Colucci, BBO#563232
552 Adams Street
Milton, MA 02186
(617) 698-6000

Dated: July 7, 2004

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TORT — MOTOR VEHICLE TORT — CONTRACT —
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION
No. MICV2004-00833

MIDDLESEX, ss
[scal]

Eric Faretra, Plaintiff(s)

v.

John Keith, et al, Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Darin M. Colucci, Esquire
Colucci, Colucci & Marcus, P.C., plaintiff's attorney, whose address is 552 Adams Street,
Milton, MA 02186, an answer to the complaint which is herewith
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
required to file your answer to the complaint in the office of the Clerk of this court at Cambridge
either before service upon plaintiff's attorney or within a
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DeVecchio, Esquire, at Cambridge
the 7th day of May
in the year of our Lord 2004


Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

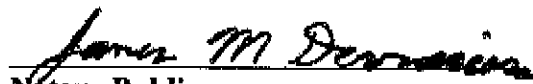
RETURN OF SERVICE**John Keith****May 13, 2004**

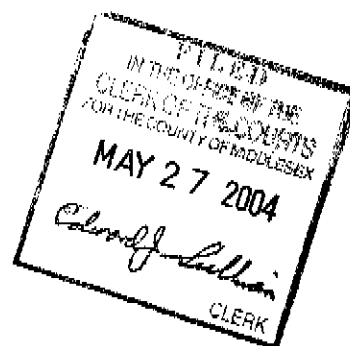
I hereby certify and return that service was unable to be made because I, Constable Timothy McGonigal, was unable to locate the defendant. I arrived at 216 Belmont Street, Malden, MA on May 13, 2004 and could not locate the defendant at said address. The address is a three (3) family residential dwelling. The names of the current occupants are: 1st floor, Jollymore; Floor 2, Bethoney; and Floor 3, Marguis. I spoke to Mr. Paul Bethoney, a resident of the second floor who stated that his aunt and late uncle, Paul Jollymore and himself did know the defendant, however, since his uncle died approximately 2 years ago, the defendant has not been around and he is not welcome as the families here view him as a 'very bad person'. Mr. Bethoney has no knowledge of the whereabouts of the defendant. After conducting a thorough investigation using Verizon Directory Assistance, United States Postal Service and the internet, I was unable to locate an address for the defendant...no service...due and diligent attempt.


 Constable & Court Appointed
 Process Server

Subscribed and sworn before me, James M. Desrosiers

this 13th day of May, 2004.


 Notary Public
 My commission expires March 7, 2008



TORT — MOTOR VEHICLE TORT — CONTRACT —
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION

MIDDLESEX, ss
[seal]

No.

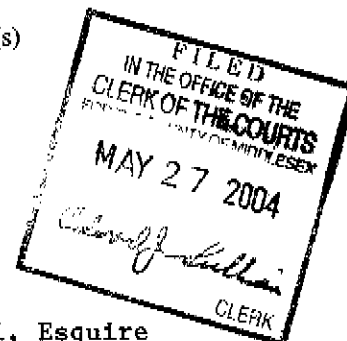
04-833

Eric Faretra, Plaintiff(s)

v.

John Keith, et al, Defendant(s)

SUMMONS



To the above-named Defendant:

You are hereby summoned and required to serve upon Darin M. Colucci, Esquire
Colucci, Colucci & Marcus, P.C., plaintiff's attorney, whose address is 552 Adams Street

Milton, MA 02186, an answer to the complaint which is herewith
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
required to file your answer to the complaint in the office of the Clerk of this court at Cambridge
either before service upon plaintiff's attorney or within a
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Cambridge
the 3rd day of May
in the year of our Lord 2004

Edward J. Sullivan
Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
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MIDDLESEX SHERIFFS OFFICE

REASON FOR UNSERVED SUMMONS

NAME

JOHN KEITH

ADDRESS

40 HORNDIKE ST
CAMBREASON UNABLE TO SERVE

NO SUCH STREET _____ NUMBER _____ PERSON _____

ADDRESS UNKNOWN _____

WILL BE AWAY UNTIL _____

IS NOW LIVING AT _____

MOVED TO _____

OTHER No Longer There

DEPUTY Michael A Doyle

DATE 5-11-04

REMARKS _____